

DENTAL BUREAU OF CALIFORNIA

INITIAL STATEMENT OF REASONS

Hearing Date: March 4, 2009

Subject Matter of Proposed Regulations: Continuing Education Requirements

(2) Section(s) Affected: 1016, 1017

Specific Purpose of each adoption, amendment, or repeal:

The purpose of the proposed changes is to clarify continuing education course requirements for licensees and course providers and make clear to licensees that the mandatory reporter obligations as set forth in the California Penal Code are part of mandatory courses required for every license renewal. Currently the Dental Board is acting as a bureau, however as the Dental Bureau will return to Board status as of January 1, 2009, the regulations and this Initial Statement of Reasons use the term "board" throughout.

The proposed changes simplify continuing education requirements for continuing education providers, licensees, permit holders and board staff by eliminating the two-category system.

Proposed amendments would specify the exact requirements for a mandatory course in basic life support and allow licensees to gain continuing education credit for courses in cultural competencies such as bilingual dental terminology, cross cultural communication, public health dentistry and management of the special-needs patient, so that they may better serve the dental needs of California's diverse population.

Some of the amendments will allow licensees to obtain credit toward license renewal for courses in administration of general anesthesia or conscious sedation, dependency issues, medical emergencies, and bilingual dental terminology and cross-cultural communication so that dental personnel are educated to recognize the signs of dependency, safely administer anesthesia or sedation, and communicate effectively with the diverse population that they encounter within the dental practice.

Amendments will allow licensees to use a portion of units toward renewal of their license that they take in coursework in teaching methodology and curriculum development, computerized dental office management or new technology designed primarily for improved patient care. These types of courses are allowed to comprise up to 20% of a licensee's continuing education renewal requirements.

Other amendments clarify that courses relating to the purchase, sale or transfer of a dental practice, fitness and weight management, and financial planning, estate planning or personal investments shall not be recognized for continuing education credit toward the licensee's renewal, as these courses directly benefit the licensee and are outside the scope of dental practice in California.

Amendments specify that courses pertaining to cosmetic enhancement shall not be recognized for continuing education credit unless the procedure is within licensee's scope of practice.

The proposed amendments would also clarify for providers of continuing education that a sample of the provider's written certification to participants must be provided to the Board prior to approval, and that any course content changes to approved mandatory courses require a new course outline to be submitted for approval. Amendments clarify that units may be issued in half-hour increments, and that the provider's written certification must contain the 11-digit course registration, and where it must appear. Some of the amendments also specify that only Board-approved providers whose course outlines for mandatory courses in Infection Control and California Dental Practice Act have been approved by the Board may provide instruction of mandatory continuing education courses.

1016 – The title is amended to specify that this section applies to providers of continuing education and not to providers of other educational programs and courses which are specified in other regulations.

1016(a) – This added text clarifies that the section defines the terms used throughout.

1016(a)(1) – This section is amended to clarify the definition of a “course of study” so that providers understand what continuing education courses may contain.

1016(a)(2) – This section is added to define “coursework” and clarify for licensees and course providers exactly what constitutes coursework for board-approved continuing education courses.

1016(a)(1) – This existing section specifying Category I is deleted as it is confusing to licensees, course providers and staff who audit licensees and providers to have two categories of continuing education. It is also difficult to determine who has the expertise or authority to categorize a particular course offering.

1016(b) – This section is added as a heading to the following sections that specify what a course of study for continuing education must include for the benefit of licensees, course providers and board staff who audit licensees’ renewals.

1016(a)(b)(1)(A) – This section is amended to clarify the existing mandatory course requirements for license renewal for licensees, course providers, and staff who audit licensees’ renewals.

1016(b)(1)(A) – This section is added to specify the minimum course content that a Board-approved course in infection control must have to meet the mandatory requirement so that licensees and course providers know exactly what these courses must contain.

1016(b)(1)(B) – This section is added to specify the minimum course content for a course in the Dental Practice Act that meets the mandatory requirements so that licensees know that a particular course they may consider taking meets the requirements and course providers are informed of those requirements. These courses are mandatory for all license renewals to ensure that licensees know current laws and regulations pertaining to the practice of dentistry and the mandatory reporter obligations of health care professionals related to child and elder abuse and neglect and the clinical signs to look for.

1016(b)(1)(C) – This section clarifies that there is more than one avenue to complete the mandatory certification in Basic Life Support. This informs licensees of the ways in which they are able to fulfill this mandatory requirement for license renewal. The mandatory requirement is to ensure patient safety in the event of a medical emergency.

1016(b)(1)(C)(i) – This section is added to specify that a licensee may complete the mandatory requirement for certification in Basic Life Support (BLS) by completing an American Heart Association or American Red Cross course, and is the existing requirement to ensure patient safety in an emergency.

1016(b)(1)(C)(ii) – This section is added to specify that a licensee may complete the mandatory BLS requirement by completing a course taught by a provider approved by the American Dental Association’s Continuing Education Recognition Program (CERP) or the Academy of General Dentistry’s Program Approval for Continuing Education (PACE). This informs licensees of this option to complete the mandatory requirement for license renewal as these courses conform to the same instructional standards as courses given by the American Red Cross and the American Heart Association.

1016(b)(1)(C)(iii) – This section is added to specify the components that a course in BLS must contain in order to meet the requirements for license renewal. This allows a provider who is not affiliated with the American Red Cross, American Heart Association, CERP or PACE to provide such courses if the course meets the same instructional standards. This allows licensees in remote areas to take equivalent courses that meet the standards, but may not be affiliated with any of the recognized associations.

1016(b)(1)(C)(iii)(1.) – This section is added to specify that a course in BLS must contain instruction in both adult and pediatric CPR, including 2-rescuer scenarios. This informs licensees, course providers and staff that this instruction is required in order to meet the mandatory requirement for license renewal and ensures that all licensees complete this instruction for patient safety in emergency situations.

1016(b)(1)(C)(iii)(2.) – This section is added to specify that a course in BLS must contain instruction in foreign body airway obstruction. This informs licensees, course providers and staff that this instruction is required in order to meet the mandatory requirement for license renewal and ensures that all licensees complete this instruction for patient safety in emergency situations.

1016(b)(1)(C)(iii)(3.) – This section is added to specify that a course in BLS must contain instruction in relief of choking for adults, children and infants. This informs licensees, course providers and staff that this instruction is required in order to meet the mandatory requirement for license renewal and ensures that all licensees complete this instruction for the safety of patients of all ages, as licensees may work in a practice or public health clinic that sees patients of various ages.

1016(b)(1)(C)(iii)(4.) – This section is added to specify that a course in BLS must contain instruction in the use of automated external defibrillation with CPR. This informs licensees, course providers and staff that this instruction is required in order to meet the mandatory requirement for license renewal and ensures that all licensees complete this instruction for patient safety in the event of an emergency. The word “and” is specified to indicate that all five areas of instruction are required.

1016(b)(1)(C)(iii)(5.) – This section is added to specify that a course in BLS must contain a live-in-person skills practice session, a skills test and a written examination. This informs licensees, course providers and staff that hands-on instruction, a skills test and a written exam are required in order to meet the mandatory requirement for license renewal, ensures that all licensees successfully complete the course before being granted credit for attendance, and that online courses do not meet the requirement.

1016(a)(1)(b)(2) – This amended and renumbered section informs licensees, course providers and staff that examples of courses that will be recognized as meeting the requirements for license renewal follow.

1016(b)(2)(A) – This section is amended to specifically inform licensees, course providers and staff that these types of courses meet the requirements for license renewal.

1016(b)(2)(B) – This section is amended to inform licensees, course providers and staff that courses dealing with nutrition counseling meet the requirements for license renewal.

1016(b)(2)(C) – This section is amended to specifically inform licensees, course providers and staff that courses in esthetic oral health diagnosis and treatment meet the requirements for license renewal.

1016(b)(2)(D) – This section is amended to inform licensees, course providers and staff that courses in dentistry’s role in disaster recovery meet the requirements for license renewal. The need for courses in providing post-disaster care became evident during the recovery period following Hurricane Katrina.

1016(a)(1)(F)(b)(2)(E) – This section is renumbered, and its provisions relative to workplace, general and environmental safety are now contained in section 1016(b)(2)(F).

1016(b)(2)(F) – This section is amended to allow continuing education credit for courses in laws and guidelines relative to safety and health. This informs licensees, course providers and staff that these types of courses may be used to meet the requirements for license renewal and ensures that licensees are knowledgeable in these areas for consumer protection.

1016(a)(2) – This section defining Category II courses has been eliminated to simplify course requirements for licensees, course providers and staff.

~~1016(a)(2)(A)~~ – This section has been amended to clarify the text and moved and renumbered to Section 1016(b)(3)(A).

~~1016(a)(2)(B)~~ – This section has been amended to add computerization and practice administration, and moved and renumbered to Section 1016(b)(3)(B).

~~1016(a)(2)(C)~~ – This section has been stricken as being duplicative of section 1016(b)(3)(A).

~~1016(a)(2)(D)~~ – This section has been stricken as it is now contained in section 1016(b)(3)(A) as “data management.”

~~1016(a)(2)(E)~~ – This section has been stricken as its provisions have been clarified and incorporated into new sections 1016(b)(3)(A) and 1016(b)(2)(I).

~~1016(a)(2)(F)~~ – This section has been stricken as its provisions have been clarified and are now contained in section 1016(b)(2)(N).

1016(b)(2)(G) – This section is added to specify that licensees are allowed continuing education credit for courses pertaining to the administration of general anesthesia, conscious sedation, oral conscious sedation or medical emergencies. These courses are required for dentists who administer anesthesia or sedation and ensure the safety of patients undergoing these procedures or in a medical emergency.

1016(b)(2)(H) - This section is added to specify that licensees can obtain continuing education credit for courses pertaining to the evaluation, selection, use and care of dental instruments, sterilization equipment, operatory equipment and personal protective attire so that licensees and continuing education providers know that these courses are allowed for credit toward licensee renewal requirements. These courses are necessary for workplace and patient safety.

1016(b)(2)(I) – This section is added to specifically inform licensees, course providers and staff that courses taken in dependency issues, substance abuse, professional misconduct, ethical considerations or malpractice can be used toward the requirements for license renewal. These courses alert licensees to the signs of dependency and substance abuse and inform them of ethical considerations and the dangers of professional misconduct that can impact their own and others licenses.

1016(b)(2)(J) – This section is added to inform licensees that they may earn continuing education credit toward license renewal for courses in behavioral sciences, behavior guidance and patient management when oriented specifically to the clinical care of the patient. These courses involve actual delivery of dental services to patients, including special needs, pediatric and sedated patients.

1016(b)(2)(K)– This section is added to inform licensees that they may earn continuing education units toward license renewal for courses in the selection, incorporation and use of current and emerging technologies such as intraoral laser devices, digital radiographic equipment and computer based diagnostic equipment. These courses enable dentists and dental auxiliaries to provide the best and most current methods of treatment and involve actual delivery of dental services to patients.

1016(b)(2)(L)– This section is added to inform licensees that they may earn continuing education units toward license renewal for courses in cultural competencies such as bilingual dental terminology, cross-cultural communication, provision of public health dentistry and the dental professional's role in providing care in non-traditional settings. These courses facilitate communication between licensees and the culturally diverse populations in California that use their services.

1016(b)(2)(M) – This section is added to inform licensees that they may earn continuing education units toward license renewal for courses in dentistry's role in individual and community health programs. These courses orient licensees to the opportunities to provide oral health care to California's underserved populations through participation in such programs.

1016(b)(2)(N)– This section is added and expanded from prior section 1016(b)(2)(F) to inform licensees that they may earn continuing education units toward license renewal for courses in the legal and ethical aspects of the insurance industry, management of third party payer issues, billing practices, patient and provider appeals of payment disputes and patient management of billing matters. Licensees are often confused by the multitude of requirements relative to patients' dental insurance and need specific education in the legal and ethical aspects of these issues so they do not violate the law unintentionally or engage in unethical practices.

1016(b)(3)– This section is added to specify that the following types of courses that primarily benefit the licensee but relate to the dental practice are limited to a maximum of 20% of the licensee's continuing education units toward renewal requirements.

1016(b)(3)(A) – This section is added to specify that courses to improve recall and scheduling systems, production flow, communication systems and data management relate to dental office and practice management and primarily benefit the licensee. Patients benefit from enhanced systems to contact them for appointments and a productive and efficient office staff.

1016(b)(3)(B) – This section is added to specify that courses in organization and management of the dental practice, although primarily of benefit to the licensee, also benefit patients by having access to a practice that has current technologies, is ergonomically designed and professionally administered and operated and that the licensee will be limited to no more than 20% of these courses toward his or her license renewal requirements.

1016(b)(3)(C) – This section is added to specify that courses in leadership development and team development primarily benefit the licensee and are limited to a maximum of 20% of units toward renewal.

1016(b)(3)(D) – This section is added to specify that courses in teaching methodology and curriculum development primarily benefit the licensee and are limited to a maximum of 20% of units toward license renewal. Teaching methodology courses are required for all instructors who teach in board approved educational programs, and this allows them to use a portion of those units toward license renewal.

1016(b)(3)(E) – This section is added to specify that coursework in peer evaluation and case studies that include reviewing clinical evaluation procedures, reviewing diagnostic methods, studying radiographs, study models and treatment planning procedures may be used for up to 20% of units required for a licensee's renewal. This sets into regulation the longstanding board policy of granting continuing education units to licensees who assist the Dental Board and the Committee on Dental Auxiliaries as consultants reviewing educational programs and providing assistance with exam processes.

1016(b)(3)(F) – This section is added to specify that courses in human resource management and employee benefits may be used for up to 20% of units required for a licensee's renewal, as these courses primarily benefit the licensee, even though they directly relate to the dental practice.

1016(a)(b)(3)(4) – This section is renumbered and amended to clarify that courses that directly benefit the licensee and are outside the scope of dental practice in California will not be recognized for continuing education credit toward a licensee's renewal. This clearly informs licensees that if they take such courses the units will not be recognized for credit toward license renewal.

1016(a)(b)(4)(A) – This section is amended to specifically inform licensees that courses in financial planning, estate planning and personal investments will not be allowed for credit toward license renewal.

1016(a)(b)(4)(B) – This section is amended to strike basic educational and cultural subjects not related to the practice of dentistry and adds language specifying that courses in general physical fitness, weight management or the licensee's personal health. This informs licensees that such courses will not be allowed for continuing education credit toward their license renewal.

1016(a)(3)(C) – This section is eliminated as its provisions are now contained in section 1016(b)(4)(B).

1016(a)(b)(4)(D)(C) – This section is amended to specifically inform licensees and course providers that courses that do not deal primarily with issues impacting the dental profession will not be recognized by the board for credit toward license renewal.

1016(a)(4)(E) – This section is eliminated as unnecessary.

1016(a)(4)(F) – This section is stricken as unnecessary as its provisions are addressed in other sections.

1016(b)(4)(G)(D) – This section is amended to specifically inform licensees and course providers that courses designed to improve personal profitability, including motivation and marketing will not be recognized by the board for credit toward license renewal.

1016(a)(4)(H) – This section is stricken as unnecessary as its provisions are addressed in other sections.

1016(a)(4)(I) – This section is stricken as unnecessary as its provisions are addressed in other sections.

1016(a)(4)(J) – This section is stricken as unnecessary as its provisions are addressed in other sections.

1016(b)(4)(E) – This section is added to specify that courses pertaining to purchase or sale of a dental practice, business or office; courses in transfer of practice ownership, acquisition of partners and associates and other dental business related courses will not be recognized by the board for continuing education credit as they directly benefit the licensee.

1016(b)(4)(F) – This section is added to specify that courses pertaining to elective facial cosmetic surgery as defined in the Dental Practice Act will only be recognized for credit if the licensee has the appropriate permit that allows performance of such procedures.

1016(b)(5) – This section is added to clarify that completion of a course does not allow a licensee to legally perform services that are outside the scope of practice of that license or permit. This informs licensees and providers that simply because a licensee has received instruction in a procedure does not authorize the performance of the procedure on patients unless it is within the licensee's scope of practice.

1016(b)(c) – This section is amended to make it clear to licensees and permitholders that the information that follows applies to applicants for Registered Provider, and not to licensees or permitholders.

1016(b)(1) – This section is eliminated and its provisions are clarified and contained in section 1016(c)(1).

1016(b)(2) – This section is eliminated and its provisions are clarified and contained in section 1016(c)(2).

1016(c)(1) – This section is added to clarify the application requirements, informs potential continuing education providers of the form and fee required, and incorporates the form by reference. This section also clearly informs applicants of the requirements and responsibilities to only offer courses and issue certificates for courses that meet the requirements of the section. This ensures that course providers do not give courses and licensees do not take courses that do not meet these requirements.

1016(c)(2) – This section is added to clarify renewal requirements for continuing education providers, and specifies and incorporates by reference the required form. This informs providers exactly what they must do to renew their registration as a provider so they may continue to give board approved courses.

1016(c)(d) – This section is amended to clarify that the information that follows applies to Registered Providers and not to licensees or permitholders. This section has caused licensees confusion in the past.

1016(c)(d)(1) – This section is amended to specify that presenters of continuing education courses are subject to the same requirements as instructors and that at least two years of experience is required in the subject area being taught. Amendments specify exactly where teaching methods are to be described.

This clarifies several areas that have been questioned by providers in the past. The requirement for a written evaluation has been stricken from this section, and expanded as new section 1016(d)(4).

1016(e)(d)(2) – This section is amended to include course content and to clarify that providers must adhere to all regulations contained in section 1016. This ensures that providers know that they are subject to all of the regulations within section 1016 and not only those in subsection (a).

1016(e)(d)(3) – This section is amended to clarify existing text by adding “shall be made” and striking “is”.

1016(d)(4) – This amendment adds specific instruction regarding the required written evaluation. This gives course providers the exact information relative to the written evaluation and its collection. This section ensures that a written evaluation of the course is submitted before a course completion certificate is issued to the licensee.

1016(e)(4) – This section is stricken here and added as section 1016 (h)(7).

1016(e)(e) – This section is renumbered and amended to clarify that it pertains to providers and not licensees or permitholders. This eliminates confusion as to who must retain the following records.

1016(e)(e)(1) – This section is amended to eliminate outdated text and clarify the language for course providers. The amendments specify that course providers may not offer courses that have been significantly altered until the board has approved the new course outline. This prevents a provider from offering a mandatory education course that has significantly changed from the course outline approved by the board to licensees for credit until the provider has received authorization from the board that the revised course meets the requirements of the section.

1016(e)(2) – This section is added to clearly inform providers that information about the specific records that they must maintain follows.

1016(e)(2)(A) – This section is added to inform providers that they must maintain records of all speakers’ curriculum vitae. This ensures that speakers have appropriate credentials to give correct information to licensees and permit holders who take continuing education courses for credit toward license renewal.

1016(e)(2)(B) – This section is added to inform providers that they must maintain records of all course outlines. This ensures that courses conform to the instructional requirements contained in this section.

1016(e)(2)(C) – This section is added to inform providers that they must maintain records of educational objectives or outcomes. Providers must have objectives and outcomes to assess student performance.

1016(e)(2)(D) – This section is added to inform providers that they must maintain records of teaching methods utilized. Providers must be able show that the methods used conform to their application.

1016(e)(2)(E) – This section is added to inform providers that they must maintain evidence of course evaluations. Providers are required to collect written evaluations from all students and will need this evidence if audited by board staff.

1016(e)(2)(F) – This section is added to inform providers that they must maintain evidence of registration numbers and units issued to each course. Providers must submit this evidence if audited by board staff.

1016(e)(2)(G) – This section is added to inform providers that they must maintain attendance records and rosters. Providers will need these records to issue duplicate certificates of completion and must submit these records if audited by board staff.

1016(e)(e)(3) – This section is renumbered and amended to specify that it is the provider that the board may audit, and makes other clarifying changes to the text. This clearly informs providers what information they must submit to the Board if audited.

1016(e)(1)(3)(A) – This section is renumbered and amended to conform with new section 1016(e)(2)(A). This clarification recognizes that outside speakers are extensively used for continuing education and informs course providers that speakers' curriculum vitae must be appropriate and relevant to the topic of the course, and may be used for audit purposes by Board staff.

1016(e)(2)(3)(B) – This section is renumbered and amended to conform with new section 1016(e)(2)(B). Board staff who audit providers and licensees need to know that the course meets the requirements for any continuing education units given by providers to licensees.

1016(e)(3)(3)(C) – This section is renumbered and amended to conform with new section 1016(e)(2)(C). Board staff who audit providers and licensees need to know the objectives of the course and that students who are granted credit achieve these objectives based on their outcomes.

1016(e)(4)(3)(D) – This section is renumbered and amended to conform with new section 1016(e)(2)(D). Board staff who audit providers need to ensure that providers are using the same teaching methods as stated in the provider's application.

1016(e)(5)(3)(E) – This section is renumbered and amended to conform with new section 1016(e)(2)(E). Board staff who audit providers must verify that required written course evaluations were completed by course attendees.

1016(e)(6)(3)(F) – This section is renumbered and amended to conform with new section 1016(e)(2)(F). Board staff who audit providers and licensees need to ensure that continuing education units are correctly issued to course attendees.

1016(e)(3)(G) – This section is added to conform with new section 1016(e)(2)(G). Board staff who audit providers and licensees must check attendance rosters to verify that licensees who claim continuing education units toward license renewal for completing a particular course actually attended the course.

1016(e)(4) – This section is added to inform providers of the length of time they are required to retain records. Providers have years of records that they keep in case of audit. This amendment states a specific time period that these records must be retained so they may dispose of old records.

1016(e)(f) – This amendment specifies that this section relates to providers and not to licensees or permit holders. This eliminates confusion by stating exactly who the section affects.

1016(e)(f)(2) – This amendment allows the hearing process to move forward prior to the effective date of the withdrawal or restriction of a provider's registration, rather than delay the action until a scheduled board meeting, by allowing the executive officer or his or her designee to preside over the hearing.

1016(f)(g) – This amendment specifies that this section pertains to providers who issue units of credit. Licensees and permitholders have been confused that this section might pertain to them. This section was further amended to allow units to be issued in half-hour increments and specifies how providers shall designate those units. This assists staff who audit licensees' continuing education for renewal.

1016(e)(h) – This amendment specifies that the following sections are in addition to other provider responsibilities described in section 1016.

1016(e)(h)(1) – This section is amended to clarify the text and specify the written certification that must be furnished to each licensee who completes a course. Providers need to know exactly what certification is meant and who it must be issued to in order to comply with the requirements of the section.

1016(h)(1)(A) – This section is added to specify exactly what information the written certification that the provider must supply to the licensee to document the licensee's completion of required continuing education units. Board staff audits licensees to verify compliance with renewal requirements.

1016(h)(1)(B) – This section is added to require that the provider sign and certify that the information contained on the certificate of completion is truthful and accurate. This ensures that providers certify that the person who is issued the certificate is in fact the person who attended the course and provides the course registration number and dates of attendance so that board staff can verify the information.

1016(h)(1)(C) – This section is added to require that the provider state on each certificate that completion of the course does not constitute authorization that the course attendee is subsequently allowed to perform any service that is outside the scope of that licensee's practice. This prevents a licensee from taking a course for a procedure that is outside the scope of his or her practice in the belief that he or she will then be allowed to perform that procedure by successfully completing the course.

1016(h)(2) – This section is added to allow a provider to list a license number that has been cancelled, revoked, or voluntarily surrendered on the certificate. This enables board staff to track units that are required for former licensees who request issuance of a new license to replace a cancelled license and licensees who request reinstatement of their license. This also assists those providers who require a license number for course registration or who use a license number for identification and tracking units.

1016(g)(h)(2)(3) – This section is renumbered to conform with the amended text.

1016(h)(4) – This section is added to specify that only Board-approved providers who have submitted course content outlines and received approval for the mandatory courses they intend to give in Infection Control and the California Dental Practice may issue certifications for credit to attendees. This ensures that providers meet the requirements for mandatory courses as detailed in sections 1016(b)(1)(A) and (B), and 1016(e)(1) before they may issue certifications for credit to licensees.

1016(h)(5) – This section is added to specify how many units an instructor may earn for teaching courses. Instructors have been confused in the past by section 1016(f) that allows "one unit of credit for every hour of contact instruction", believing that they are entitled to obtain all of their required units for license renewal through teaching. Specifying the maximum percentage of hours of the total required provides clarity for licensees and board staff who audit licensees' continuing education units for renewal.

1016(h)(6) – This section is amended to specify that a course provider may only issue a duplicate certification of course attendance to a licensee whose name appears on the original roster of course attendees, and that the document be clearly marked "duplicate". This prevents a provider from issuing a certification of course attendance to a licensee who did not attend the course and assists board staff who are responsible for auditing licensees' renewals.

1016(h)(7) – This former section 1016(c)(4) is added here, where it logically falls, and amended to clearly state the exact text required and what types of documents it must appear on. This language makes clear to providers and licensees that the course meets the board's requirements and the number of units gained by the licensee for completing the course.

1016(h)(i) – This section heading is amended to specify that the following text applies not only to courses given out of state, but also to courses given within California by other authorized and non-authorized providers. Some providers are not approved by the Board, but by other national organizations that are approved by the Board and have similar standards for approval. The text following this heading has been stricken and amended as new section 1016(i)(2).

1016(i)(1) – This section is added to allow licensees to gain continuing education from providers approved by the American Dental Association (CERP) and Academy of General Dentistry (PACE). Both of these organizations are Board-approved providers of continuing education however, the providers that they each approve must also apply to be providers through the Dental Board. This section allows those providers to be recognized as meeting essentially the same standards without having to apply to California to be recognized as a board-approved provider.

1016(h)(i)(2) – This section is amended to continue to allow a licensee to petition the Board to recognize a course given out of state as meeting the requirements of this section and to grant the licensee credit for such a course. Language referring to a scientific session or convention is removed as these are provided for in new section 1016(i)(1). Language has also been added to specify the written certification that may be issued by the Board for such courses.

1016.1 – This section has been stricken as obsolete, as the enabling statute has expired.

1017(a) – This section is amended to strike out the obsolete effective date and duplication of language that specifies that this section relates to license renewal.

1017(a)(1) – This section is amended to make renewal requirements clearer to licensees. This section clearly states the requirements for a mandatory Infection Control course required for all license renewals.

1017(a)(2) – This section is added to make renewal requirements clearer to licensees. This section clearly states the requirements for a mandatory course in the California Dental Practice Act which is required for all license renewals.

1017(a)(3) – This section is added to make renewal requirements clearer to licensees. This section clearly states the requirements for a mandatory course in Basic Life Support which is required for all license renewals, and specifies the maximum number of units that are allowed.

1017(b) – This section is added to clearly inform licensees of the obligations of their requirements as they relate to license renewal, the consequences of noncompliance, and specifies effective dates.

1017(c) – This section is added to clearly inform licensees of the period in which they must complete renewal requirements and a when a new licensee's obligation to begin accumulating units begins.

1017(c)(4) – This section is amended to add the new category, Dental Sedation Assistant Permit Holders, that will become effective January 1, 2010. This informs those permit holders that they must complete 25 continuing education units for renewal of such a permit. Registered dental hygienists in extended functions are stricken here and added under section 1017(b)(6).

1017(b)(c)(5) – This section is amended to add the new category, Orthodontic Assistant Permit Holders, that will become effective January 1, 2010. This informs those permit holders that they must complete 25 continuing education units for renewal of such a permit. Registered dental assistants in extended functions are stricken here and added under section 1017(b)(7).

1017(b)(c)(6) – This section is amended to add Registered dental hygienists in extended functions. Registered dental hygienists in alternative practice are stricken here and added under section 1017(b)(8).

1017(b)(c)(7) – This section is amended to add Registered dental assistants in extended functions that was stricken from section 1017(b)(4).

1017(b)(c)(8) – This section is amended to add Registered dental hygienists in alternative practice that was stricken from section 1017(b)(5).

1017(d) – This section is added to specify the renewal requirements for dentist licensees who also hold a general anesthesia permit. This text was stricken from section 1017(b) and placed here to more clearly separate it from the requirements for other licensees. The reference to "Guidelines 2000 for Cardiopulmonary Resuscitation and Emergency Cardiovascular Care" has been updated to the current version. This informs dental licensees who hold a general anesthesia permit of the exact requirements for renewal of their permit, and refers to the statutory requirement for easier enforcement.

1017(e) – This section is added to specify the renewal requirements for dentist licensees who also hold a conscious sedation permit. This informs dental licensees who hold a conscious sedation permit of the

exact requirements for renewal of their permit and the consequences of noncompliance. The section refers to the statutory requirement of the permit for easier enforcement.

1017(f) – This section is added to specify the renewal requirements for dentist licensees who also hold an oral conscious sedation permit for minors. This informs dental licensees who hold an oral conscious sedation permit for minors of the exact requirements for renewal of their permit, and refers to the statutory requirement for easier enforcement.

1017(g) – This section is added to specify the renewal requirements for dentist licensees who also hold an oral conscious sedation permit. This informs dental licensees who hold an oral conscious sedation permit of the exact requirements for renewal of their permit, and refers to the statutory requirement for easier enforcement.

1017(e)(h) – This section is renumbered and amended to clarify that a licensee may complete up to 50% of required units for license renewal at home, for providers' and licensees' convenience. This section has caused confusion in the past as to whether "half of the total required credits" are allowed or the total number of credits required are allowed by the phrase "will be accepted for full credit."

1017(i) – This section has been added to clarify that courses attended through live interactive study or other interactive means may be used to obtain all of a licensee's renewal requirements. This section makes it clear that a licensee may choose to complete all units through interactive study, and identifies those types of distance learning courses that are recognized for 100% of the total units required. Licensees have been unsure as to whether they must attend a course "in person", or if live interactive distance learning courses are considered to be "home study" and therefore qualify for only 50% of the licensee's total units.

1017(j) – This section is added to specify the percentage of units that licensees who are board examiners, anesthesia or sedation permit site evaluators, and auxiliary program site evaluators are allowed for assisting the board in its mission by providing these functions. This has been the policy of both the Dental Board and the Committee on Dental Auxiliaries (COMDA), and legal counsel has advised that it is an underground regulation. Staff requested that this policy be placed into regulation.

1017(j)(1) – This section is added to specify that licensees who participate in clinical dental examinations administered by or recognized by the Dental Board for licensure may obtain up to 20% of their continuing education units toward renewal for assisting the board in its mission by providing these functions. This has been the policy of the Dental Board and legal counsel has advised that it is an underground regulation and should be placed into regulation.

1017(j)(2) – This section is added to specify that licensees who participate in site visits or evaluations relating to issuance and maintenance of a general anesthesia, conscious sedation or oral conscious sedation permit may obtain up to 20% of their continuing education units toward renewal for assisting the board in its mission by providing these functions. This has been the policy of both the Dental Board and COMDA, and legal counsel has advised that it is an underground regulation and should be placed into regulation.

1017(j)(3) – This section is added to specify that licensees who participate in calibration training and site evaluation training relating to general anesthesia, conscious sedation or oral conscious sedation permits may obtain up to 20% of their continuing education units toward renewal for assisting the board in its mission by providing these functions. This has been the policy of both the Dental Board and COMDA, and legal counsel has advised that it is an underground regulation and should be placed into regulation.

1017(j)(4) – This section is added to specify that licensees who participate in any site visit or evaluation of an approved dental auxiliary program or course may obtain up to 20% of their continuing education units toward renewal for assisting the board in its mission by providing these functions. This has been the

policy of COMDA, and legal counsel has advised that it is an underground regulation and should be placed into regulation.

1017(k) – This section is amended to specify that the board must issue the same certificate to board examiners, anesthesia or sedation permit site evaluators, and auxiliary program site evaluators as any other continuing education provider must issue to its course attendees, and the exact requirements that the certificate must contain. Licensees will be issued the same type of certification that the board requires all continuing education providers to issue to all licensees who complete their courses, for standardization of recordkeeping and ease of auditing.

1017~~(e)~~(l) – This section is renumbered and amended to add “permit” to specify that permits as well as licenses are subject to these requirements. Amendments were made to strike “(a) and (b)” so that licensees and providers are aware that they are subject to the requirements of the entire section, and to replace “he/she” with “he or she” for clarity.

1017~~(e)~~(m) – This section is renumbered and amended to add “in writing” to specify that the licensee must provide a written certification that he or she is eligible for a waiver from compliance because of a disability, and adds the requirement that the Board must be notified if the licensee ceases to be eligible for such a waiver. This assists board staff who are responsible for auditing licensee’s renewal requirements by knowing if a licensee is or is not exempt from continuing education requirements.

1017~~(f)~~ – This section has been struck, as certain provisions were outdated and other provisions are now contained in sections 1017(n).

1017(n) – This section is added to clearly specify the length of time that a licensee must retain certificates of course completion for auditing by the Board. It also clearly tells licensees to only send certificates to the Board upon request, as many licensees automatically include certificates with their renewal, which disrupts the automated renewal process and requires that the renewal be processed by the Board.

1017(o) – This section is added to clearly state that a licensee may be subject to disciplinary action if he or she furnishes false or misleading information to the Board regarding continuing education units. This allows the board to impose specific penalties on noncompliant licensees and informs licensees that they risk those penalties by falsifying this information.

1017(p) – This section is added to specifically inform general anesthesia, conscious sedation and oral conscious sedation permit holders that the units that they are required to take for those permits may apply to the continuing education renewal requirements for their licenses. Permit holders are required to complete 7 to 15 units specifically directed toward their permit renewal, and 50 units for renewal of their dental license. This makes it clear to licensees that the 50 units required may include those units completed for permit renewal, and not be in addition to the 50 units required for permit renewal.

1017(q) – This section is added to specify that dental assistant licensees who also hold a permit as an orthodontic assistant or a dental sedation assistant may apply units taken for permit renewal toward their required units for license renewal. This makes it clear to licensees and board staff who audit licensees’ renewal requirements that units taken for permit renewal may also be applied toward license renewal.

1017(r) – This section is added to specify that licensees who hold more than one permit may apply units taken toward one permit to another permit and toward their license requirement, and are not required to take duplicate courses toward each permit renewal in addition to their license renewal requirements.

1017(s) – This section is added to place into regulation the current policy of allowing students attending an educational program in the field of dentistry or a graduate program full time to be exempt from the requirements of continuing education for renewal of their dental or dental auxiliary license. A licensee attending a dental educational or graduate study program completes more than the required number of educational units, however the longstanding policy of allowing a full-time student in a dental educational

program to be exempt from the continuing education requirements of his or her license is an underground regulation and must be placed into regulation.

1017(t) – This section is added so that orthodontic and dental sedation permit holders who attend specific approved educational programs in dental hygiene, dental assisting or registered dental assisting in extended functions program full time to be exempt from the requirements of continuing education for renewal of their permit. A permit holder attending such a program completes more than the required number of educational units and should be allowed the same exemption as a licensee.

1017.1 - This section is stricken as obsolete, as the enabling statute has expired.

Factual Basis/Rationale

Business and Professions Code Section 1645 specifies that if the board determines that the public health and safety would be served by requiring all licensees to continue their education after receiving a license, the board shall adopt regulations requiring that licensees complete a specific portion of the required continuing education in specific areas adopted in regulations by the board.

The proposed amendments are needed to provide clarity to the existing regulations for continuing education providers, licensees, permit holders and bureau staff, and to set policies into regulation, as required. The amendments specify that the mandatory reporter obligations for all dental licensees as set forth in the California Penal Code may be taught within the currently required Dental Practice Act course. Board Staff and the California Dental Association (CDA) have also made recommendations for amendments to the current regulations, which the Advisory Committee adopted.

There are two separate forms referenced in these amendments that providers must complete to apply to become a registered provider and to apply for renewal as a continuing education provider that are one to three pages in length. All of the forms are available on the board's website and from the board upon request. It would be cumbersome, unduly expensive and otherwise impractical to publish the documents in the California Code of Regulations.

Underlying Data

1. Minutes of the Dental Bureau Advisory Committee meeting, August 28, 2008.
2. 2005 American Heart Association Guidelines for Cardiopulmonary Resuscitation and Emergency Cardiovascular Care," published by the American Heart Association in November 2005.

Business Impact

This regulation will not have a significant adverse economic impact on businesses. This initial determination is based on the following facts or evidence/documents/testimony:

These regulations will allow continuing education credits to be granted to licensees for taking courses that are currently not specifically allowed, although these courses involve actual delivery of dental services and communication and cultural competency with California's ethnically diverse population. The regulations also clarify the requirements of the written certification that course providers must submit to the board, and set board policy into regulation.

Specific Technologies or Equipment

This regulation does not mandate the use of specific technologies or equipment.

Consideration of Alternatives

No reasonable alternative to the regulation would be either more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed regulation.

Set forth below are the alternatives which were considered and the reasons each alternative was rejected:

1) Do not seek a regulatory change.

Rejected: Clarification is necessary to allow licensees to obtain credits toward renewal for courses that are currently not clearly identified within existing regulations. Also, it has been board policy to grant continuing education units to licensees who assist the board and the Committee on Dental Auxiliaries in carrying out their functions, and this policy must be put into regulation.